

REMARKS

In the Office Action dated December 20, 2002, claims 1-22 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-36 of U.S. Patent No. 6,410,948 in view of U.S. Patent No. 5,107,459 (Chu); and claims 1-8 and 10-22 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,747,844 (Aoki) in view of Chu.

REJECTION UNDER 35 U.S.C. § 103

The present claims are non-obviousness over Aoki and Chu, as there is no motivation or suggestion to combine the teachings of the cited references.

Aoki actually *teaches away* from the present invention. More specifically, Aoki teaches away from achieving $6F^2$ memory cell size with a folded bit line architecture. Aoki criticizes folded bit line arrangements for being space inefficient. Aoki notes that "the layout of the conventional open bit line configuration has an advantage over the folded bit line configuration in that the cell area can be reduced to 75%." Aoki, 2:14-16. Thus, a stated object of the "invention" of Aoki is "to provide a dynamic semiconductor memory device having an improved layout of open bit line configuration." *Id.*, 2:25-27. Significantly, Aoki expressly considered the possibility of both folded and open bit line configurations in its Background section, but Aoki discarded the idea of a folded bit line arrangement because of its space inefficiency. Thus, Aoki teaches away from the claimed invention by suggesting that a $6F^2$ cell size cannot be achieved using a folded bit line arrangement.

In contrast, as recited in the present claims, the $6F^2$ cell size is made possible even for a folded bit line arrangement. Because Aoki teaches away, there can be no motivation to combine the teachings of Aoki with Chu to achieve the claimed invention.

Withdrawal of the § 103 rejection is therefore respectfully requested.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

The claims of the present invention are also non-obvious over the claims of U.S. Patent No. 6,410,948 ('948 patent) in view of Chu.

Other than impermissible hindsight reconstruction based on teachings of the present invention, there is no motivation or suggestion to combine the teachings of the claims of the '948 patent with Chu. Therefore, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (MCT.0004C1US).

Respectfully submitted,



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